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March 25, 2004

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington, D. C. 20554

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**Re: Notice of Ex Parte
Presentation
WT Docket No. 02-55**

Dear Ms. Dortch:

This is to advise that on this date Frank C. Weaver, Director, Telecommunication Policy, The Boeing Company; Larry Fineran, Vice-President, National Association of Manufacturers; and the undersigned, representing the National Association of Manufacturers and MRFAC, Inc., met with Commissioner Adelstein, his legal assistant, Barry Ohlson, and his special assistant, Anne Perkins, regarding the above-referenced proceeding. The focus of the meeting was on protections for incumbent licensees. A summary of points discussed is attached. In addition, the parties discussed the NAM/MRFAC filing of March 24.

An original and one copy of the letter are submitted for inclusion in the Docket.

Sincerely,
/s/ William K. Keane
William K. Keane

Attachment

cc: Commissioner Jonathan S. Adelstein
Commissioner Kathleen Abernathy
Barry Ohlson
Anne Perkins
Jennifer Manner
John B. Muleta, Bureau Chief, Wireless Telecommunications Bureau
Edmond J. Thomas, Chief Engineer, Office of Engineering and Technology
Michael J. Wilhelm, Wireless Telecommunications Bureau

Due Process and Re-Banding

Protections for incumbent licensees should be based closely on existing Rule 90.699 with minimal adjustments to accommodate NPSPAC block relocation. For example:

- The Commission should administer any re-banding process with support, as appropriate, from a disinterested contractor not aligned with any party to this proceeding
- Require mandatory negotiations with Nextel commencing on effective date of Report and Order with end dates keyed to relocation date for each Region
- Retain requirement that new facilities be comparable to replaced facilities
- Condition availability of new spectrum assignments on Nextel completing relocations
- Retain the existing Rule's provision for involuntary relocation in the absence of agreement
- Require resort to alternative dispute resolution on expedited basis in the event of disagreements over comparability and/or reimbursement
- Create expedited process for Commission review of any unresolved disputes/waiver requests
- Five years' operating costs per current Rule 90.699